

REMARKS

At the outset, the Examiner is thanked for considering the pending application. The Office Action dated November 23, 2007 has been received and its contents carefully reviewed.

Claims 1-16 are currently pending of which claims 1-8 and 14-16 are currently under consideration. Claims 1, 8, and 14 have been amended; no new matter has been added. Reconsideration of the pending claims is respectfully requested.

Initially, Applicants would like to thank the Examiner for the courtesy extended over the telephone on January 2, 2008. During the telephone conversation the Examiner clarified a statement in the Office Action.

The Office Action rejects claims 1, 2, 5-8, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication No. 2002-324676 to Suzurisato et al. (hereinafter "Suzurisato"). Applicants respectfully traverse.

To render a claimed invention obvious, the prior art must teach or suggest each and every element of the claim. Suzurisato fails to teach all the elements of at least claims 1, 8, and 14. As such Suzurisato cannot render claims 1, 2, 5-8, and 14-16 obvious.

Amended claims 1, 8, and 14 recite, *inter alia*, that R2 and R3 (R5 and R6 in claim 8) be "a substituted or unsubstituted heteroaromatic ring of furyl, thienyl, pyridyl, triazyl or quinolinyl." This amendment is fully supported by the specification. *See e.g.*, Specification at [0019], [0035], and [0037]; *see also*, Specification at pp. 14-15. Suzurisato fails to teach or suggest this element. In fact, Suzurisato does not even teach or suggest heteroaromatic rings attached to the binaphthyl skeleton. As such, Suzurisato cannot render the claimed invention obvious. Claims 1, 8, and 14, therefore, are patentable over Suzurisato. Claims 2, 5-7, and 15-16 variously depend on claims 1, 8, or 14, and thus are patentable over Suzurisato at least for the

same reasons as claims 1, 8, and 14. Applicants, therefore, respectfully request withdrawal of this rejection.

The Office Action also rejects claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Suzurisato in view of U.S. Patent No. 6,824,893 to Hoag et al. (hereinafter "Hoag"). Applicants respectfully traverse.

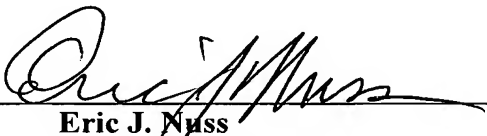
Claims 3 and 4 ultimately depend on claim 1 and thus incorporate all the elements of claim 1. As discussed above, amended claim 1 recites, *inter alia*, that R2 and R3 be "a substituted or unsubstituted heteroaromatic ring of furyl, thienyl, pyridyl, triazyl or quinolinyl." Suzurisato fails to disclose this element as stated previously. Hoag also fails to teach or suggest this element. As such, the combined teaching of Suzurisato and Hoag fail to teach all the elements of claims 1, 3 and 4. In view of this shortcoming, the combined teaching of Suzurisato and Hoag cannot render claim 1, and consequently claims 3 and 4, obvious. Applicants, therefore, respectfully request withdrawal of this rejection.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: January 22, 2008

Respectfully submitted,

By: 
Eric J. Nuss
Registration No.: 40,106
McKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorneys for Applicant